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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,788	09/12/2003	Kousei Ohura	4059-14	5872

23117 7590 01/27/2005

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EXAMINER

WINNER, TONY H

ART UNIT PAPER NUMBER

3611

DATE MAILED: 01/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/660,788

Applicant(s)

OHURA, KOUSEI

Examiner

Tony H. Winner

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 5-12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-4 and 13-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Acknowledgment***

1. Receipt of the amendment filed 11/02/04 has been acknowledged and entered. Claims 6-12 remain withdrawn from consideration. New claims 13-16 have been added. In light of the amendment, the office is withdrawing all claim objection and 112 2<sup>nd</sup> paragraph rejections except for the recitation of claims 2 and 15.

***Claim Rejections - 35 USC 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regard to claims 2 and 15, the examiner is unclear as to what comprising 'a rib-like structure'. To overcome the rejection, suggest the applicant change 'a rib-like structure' to – a rib structure --.

***Claim Rejections - 35 USC 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 (as best understood) are rejected under 35 U.S.C. 102(b) as being anticipated by Figure 15 labeled as Prior Art as part of U.S. Application 10/058,137 (U.S. Pub. No. 2002/0153693 A1) now abandoned.

Figure 15 (Prior Art) discloses all the structural limitations of claims 1-4.

**Comments:** Claim 1 further recites 'the storage box being arranged so that an extra rider, riding astride above the storage box, is seated with ankles positioned at a front side of the helmets. Such recitation is intended use and the examiner will not give it any patentable weight.

With regard to claim 2 (as best understood) the seat is integrally formed with a rib-like structure, projected outwards from the seat bottom plate and disposed along the outer periphery of the seat cushion around the seat bottom plate extension and the rib structure together with the seat cushion is covered by the seat cloth with the distal part of the seat cloth fixed by fasteners.

With regard to claims 3 and 4, Figure 15 discloses all of the claimed limitations.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prior Art as part of U.S. Application 10/058,137 (U.S. Pub. No. 2002/0153693 A1) now abandoned and in view of Walker (US. patent 4,546,993).

Figure 15 (Prior Art) discloses all the structural limitations of claim 13 except for footboards and the seat is arranged substantially at a rear of the motorcycle body.

Walker discloses a motorcycle footboards for the riders to rest their feet and along with the seat arranged substantially at a rear of the motorcycle body. Such a configuration would provide some distance between the rider and the handle bar, thus, providing greater riding comfort.

Based on the teaching of Walker, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the motorcycle of Figure 15 (prior art) to include the footboards for the riders to rest their feet and along with the seat arranged substantially at a rear of the motorcycle body of Walker. Such a configuration would provide some distance between the rider and the handle bar, thus, providing greater riding comfort.

**Comments:** Claim 13 further recites 'the storage box being arranged so that an extra rider, riding astride above the storage box, is seated with ankles positioned at a front side of the helmets. Such recitation is intended use and the examiner will not give it any patentable weight.

With regard to claims 14-16, Figure 15 as modified by Walker meets all of the claimed limitations.

***Response to Arguments***

5. Applicants' arguments filed 11/02/05 have been fully considered but they are not persuasive.

Applicant argues that the additional recitation "the storage box being arranged so that an extra rider, riding astride above the storage box, is seated with ankles positioned at a front side of the helmets" of claims 1 and 13 defines over the art of record. The examiner takes position that such recitation is for intended use (e.g. being arranged so that) and will not give it any patentable weight.

Applicant further argues that claims 3 and 4 include structure in such details that would define over the prior art of record. The examiner contends that Figure 15 of the Prior Art includes all the structural limitations of claims 3 and 4. Since the applicant has not disclosed the size and shape of the helmets and that there are helmets that can be held side by side across the vehicle width of the storage space of Figure 15.

***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

7. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Anthony H. Winner whose telephone number is (703) 306-5957. The examiner can normally be reached on Monday-Friday from 8:30 am to 5:00 pm.

Art Unit: 3611

8. Information regarding the status of an application may be obtained from the Patent Application Information-Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



**TONY WINNER**  
**PATENT EXAMINER**

January 22, 2005